

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
JIMMY J. CARTER,
Defendant.

| No. CR21-56-RSM

**PRELIMINARY
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Jimmy J. Carter's interest in the following property:

1. \$55,284 in U.S. Currency seized on or about April 7, 2021, at 12902 SE 312th Street, Apt. K207, Auburn, Washington;
2. One AR-type pistol with obliterated serial number and an empty magazine seized on or about April 7, 2021, at 12805 Occidental Avenue South, Burien, Washington; and
3. One Taurus Special revolver bearing serial number PK33565, along with any associated firearm accessories and ammunition, seized on or about April 7, 2021, at 12805 Occidental Avenue South, Burien, Washington.

1 The Court, having reviewed the United States' Motion, as well as the other papers
 2 and pleadings filed in this matter, hereby FINDS that entry of a Preliminary Order of
 3 Forfeiture is appropriate because:

- 4 • The above-identified property is forfeitable pursuant to 21 U.S.C. § 853(a),
 5 proceeds that the Defendant obtained personally from the offense and/or
 6 property that was used to commit or to facilitate the Defendant's
 7 commission of Conspiracy to Distribute Controlled Substances, in violation
 8 of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846; and,
- 9 • Pursuant to the Plea Agreement he entered on December 21, 2021, the
 10 Defendant agreed to forfeit the above-identified property, which is subject to
 11 forfeiture pursuant to 21 U.S.C. § 853(a). Dkt. No. 156, ¶¶ 8, 12.

12 NOW, THEREFORE, THE COURT ORDERS:

13 1. Pursuant to 21 U.S.C. § 853(a), and his Plea Agreement, the Defendant's
 14 interest in the above-identified property is fully and finally forfeited, in its entirety, to the
 15 United States;

16 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
 17 be final as to the Defendant at the time he is sentenced, it will be made part of the
 18 sentence, and it will be included in the judgment;

19 3. The United States Department of Justice, the Federal Bureau of
 20 Investigation, and/or their authorized agents or representatives, shall maintain the above-
 21 identified property in its custody and control until further order of this Court;

22 4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
 23 United States shall publish notice of this Preliminary Order and its intent to dispose of the
 24 property as permitted by governing law. The notice shall be posted on an official
 25 government website—www.forfeiture.gov—for at least thirty (30) days. For any person
 26 known to have alleged an interest in the property, the United States shall also, to the
 27 extent possible, provide direct written notice to that person. The notice shall state that any
 28 person, other than the Defendant, who has or claims a legal interest in the above

1 identified property must file a petition with the Court within sixty (60) days of the first
2 day of publication of the notice (which is thirty (30) days from the last day of
3 publication), or within thirty (30) days of receipt of direct written notice, whichever is
4 earlier. The notice shall advise all interested persons that the petition:

- 5 a. shall be for a hearing to adjudicate the validity of the petitioner's
6 alleged interest in the property;
- 7 b. shall be signed by the petitioner under penalty of perjury; and
- 8 c. shall set forth the nature and extent of the petitioner's right, title, or
9 interest in the property, as well as any facts supporting the
10 petitioner's claim and the specific relief sought.

11 5. If no third-party petition is filed within the allowable time period, the
12 United States shall have clear title to the property, and this Preliminary Order shall
13 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

14 6. If a third-party petition is filed, upon a showing that discovery is necessary
15 to resolve factual issues presented by that petition, discovery may be conducted in
16 accordance with the Federal Rules of Civil Procedure before any hearing on the petition
17 is held. Following adjudication of any third-party petitions, the Court will enter a Final
18 Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n),
19 reflecting that adjudication; and

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1 7. The Court will retain jurisdiction for the purpose of enforcing this
2 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of
3 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
4 Fed. R. Crim. P. 32.2(e).

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6 IT IS SO ORDERED.

7 DATED this 21st day of January, 2022.

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11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE

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16 Presented by:

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